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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,861

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EXAMINER

MCGRAW, TREVOR EDWIN

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

10/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/501,861		TSUCHIDA, HARUO	
	Examiner		Art Unit	
	Trevor McGraw		3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) 6, 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Comment

Examiner acknowledges the cancellation of Claim 10.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "extension portions" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-9 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tada et al. (US 5,706,984).

In regard to Claims 1, 2 and 7-9 and 11 Tada et al. (US 5,706,984) teaches a trigger type fluid dispenser having a body (14) which is provided with a discharge flow path (26-1) that discharges a fluid in a horizontal direction and has a cylinder (12-2) disposed in parallel with the discharge flow path (24-2,26-1) where a trigger (20) is held

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to be swingable (see arrow in Figure 3 below "20") with respect to the body (14) and a piston (22) slides reciprocally in the cylinder (12-2) in cooperation with the trigger (20) where the trigger (20) includes a hook portion (20-2) and an elastic portion (18) in which an extension portion (18-1) integrally extending from a swingable portion of the hook (20-1,20-1') is turned down and is held with respect to the body (14) and the tip end of the extension portion (18-1) is positioned and capable of coming into contact with the hook portion (20-2; See Figures 8A, 8B and 8C).

Tada et al. also teaches where the trigger fluid dispenser has a cover (16) that is installed to the body (14) to form an internal space between the cover (16) and the discharge flow path (24-2,26-1) and the turned down portion of the trigger is held by the cover (16; See Figure 16)) where a spin element (24,42-8) is integral with the body (14) near the discharge port (24-2) of the discharge flow path (24-2,26-1) and the body integrally includes a connecting portion (34,34-1,36; See Figures 2 and 14) for connecting the body to a mouth of a container body (32).

Tada et al. further teaches where the trigger (20) is arranged so that the elastic portion (20-2) is located on almost the same level as the discharge flow path (24-2, 26-2) and the elastic portion (18) is configured so that on one side of the turned down portion of the extension portion (18-1) a bent portion (see "18" in Figure 2) in which the extension portion (18-1) is bent in at least one place is provided and on the other side thereof (see top part of "18") and a wavy portion in which the extension portion is bent at a plurality of places is provided (see lower portion of "18") and the piston (22) has a holding pin (ball at end of piston "22"; see Figure 12) and the trigger (20) has an

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opening (20-3), which has a diameter that is larger than the holding pin (42-4) and by inserting the holding pin (ball at end of piston "22"; see Figure 12) where the trigger (20) and piston (22) are operated in cooperation with each other.

In regard to Claims 3-5, Tada et al. additionally teaches where the trigger fluid dispenser has a discharge valve (44) that is opened by the push in action of the piston (22) to discharge a fluid in the discharge flow path to the outside and a suction valve (28) that is opened by the push back action of the piston to suck a fluid into the discharge flow path where the discharge and suction valves (44,28) are tongue shaped elements (see Figure 2) that are integral with a core element (40) that is inserted in the discharge flow path and the internal space where the discharge valve is located near a discharge port (24-2) of the discharge flow path (26-2) and the suction valve (28) is located in the internal space (see arrangement in Figure 3). The suction valve and discharge valve of Tada et al. are also located within the internal space as taught and described above (See Figure 3).

With regard to Claim 12, the tip of the ends of the extension portions are supported by at least one beam extending from the swinging portion to provide a predetermined clearance from the hook portion (see Figures 3, 8C, 12 where feature "20-2" also serves as a beam for the tip ends of the extension portions).

Response to Arguments

Rejection under 35 USC § 102

Applicant's arguments filed 08/08/2007 have been fully considered but they are not persuasive.

Applicant's assertion that the Tada et al. reference does not teach an elastic portion integrally extending from a swinging portion of the hook portion as recited in claim 1 are unfounded. Examiner cannot agree with Applicant's contention that Tada et al. fails to disclose an elastic portion in which two extension portions integrally extend from a swinging portion of a hook are turned down as recited in claim 1. As one can see from Figures 2 and 12, feature 18, the elastic portion, has two extension portions (end of 18-1) are separated by an opening that integrally extend from a swinging portion of the hook portion turned down, where the turned-down portions are held with respect to the body, and tip ends of the extension portions are positioned and come into contact with the hook portion. The elastic portion is arranged so that on one side of the turned-down portions of the extension portions, bent portions in which the extension portions are bent at a plurality of places. As a result, Applicant's arguments are unsubstantiated based on the showing of the features present in the Tada et al. reference. Thus, Examiner maintains rejection held against Claims 1-5, 7-9 and 11-12 held under 35 U.S.C. § 102(b), as Applicant has not overcome the applied prior art of record.

Allowable Subject Matter

Claims 6 and 13 are allowed over the prior art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

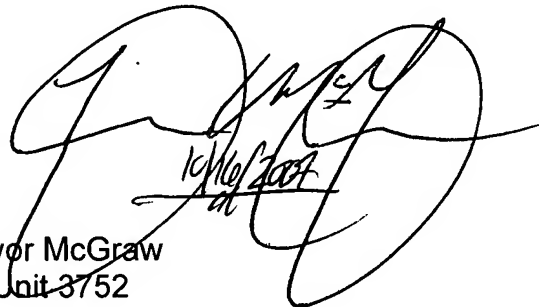
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trevor McGraw
Art Unit 3752

TEM



KEVIN SHAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700